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Zilka-Kotab, PC
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SAN JOSE, CA 95172-1120

In re Application of: Zilka, et al.
Application No. 10/691,057
Filed: October 22, 2003
For: NETWORK BROWSER GRAPHICAL
USER INTERFACE FOR MANAGING WEB
CONTENT

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed May 3, 2004, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed May 3, 2004 fails to adequately meet requirements (d) and (e) of the criteria set forth above. With respect to requirement (d), a copy of the Netscape Navigator v6.1 reference was not submitted with the petition nor was it previously made a part of the record. All references that are deemed most closely related to the subject matter must be submitted in order to meet requirement (d). With respect to requirement (e), applicant failed to provide a detailed discussion on how the claimed subject matter is patentable distinct over the Netscape Navigator v6.1 reference. The statement provided in the petition relating to the Netscape Navigator v6.1 reference is not sufficient to meet requirement (e) above.

In addition, applicant may wish to consider filing an Information Disclosure Statement (PTO-1449 or PTO-SB08A) to ensure consideration of all the references cited in the petition by the assigned examiner.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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